

*Rhode Island*  
**Long-Term-Care-Coordinating Council**  
***2002 Annual Report***



Lieutenant Governor Charles J. Fogarty  
Chairman

**January 2003**

## **TABLE OF CONTENTS**

Message From The Chairman .....	2
Background of the Rhode Island Long-Term-Care-Coordinating Council .....	3
The 2002 Long-Term-Care-Coordinating Council Membership .....	3
Section 1: 2003 Recommendations .....	5
Section 2: The 2002 Council Report .....	7
I. Legislation .....	7
II. Advocacy .....	12
III. Public Information and Education .....	13
IV. Planning, Research, Policy Development .....	14
Section 3: Work Plan 2002 End-of-year Status Report .....	15
Appendix I. Highlights of Long-Term-Care-Coordinating Council Accomplishments: 1987-2002 .....	21
Appendix II: State Long-Term-Care Plan Principles and Goals .....	24

January, 2003

**A Message From the Chairman,  
Lieutenant Governor Charles J. Fogarty**

I am pleased to submit the 2002 Annual Report of the Long-Term-Care-Coordinating Council. The report contains the Council's recommendations for action in 2003 as detailed in our Work Plan for 2003. These recommendations are based on our ongoing work to implement the Council's **Long-Term-Care Plan for Rhode Island: *Working Together to Make the Pieces Fit*** published in 1994 and revised in 1999.

The report highlights the Council's work and accomplishments for 2002. Noteworthy this past year were our efforts to continue to address the Rx drug affordability issue by expanding state pharmaceutical assistance programs for seniors and persons with disabilities. This included our call for a new Medicaid waiver program for Rx drugs. The application for this waiver was submitted to the Centers for Medicare and Medicaid Services (CMS) on October 21, 2002 and the state looks toward its approval.

In 2002, the Council resumed its advocacy for affordable assisted living services for low-income persons by advocating for funding for the additional 180 units of Medicaid waiver supported assisted living units approved by CMS in January of 2002.

As we look to the year ahead, the state continues to face budget challenges that prohibit major program expansions. However, it is important to note that state-funded, long-term-care spending has increased only modestly over the past five years and that our efforts to expand access to a greater array of home-and community-based care and reduce our reliance on institutional-based care have met with some small success. As we begin to focus our attention on the projected impact of the aging of the baby boomers, our work to build a balanced, long-term-care system that subsidizes care across the entire long-term-care continuum and that aligns our limited resources accordingly is more important than ever.

I extend a sincere thank you to my colleagues on the Council for their cooperation and continued commitment to bring quality, affordable and accessible long-term care to all Rhode Islanders.

Sincerely,

Charles J. Fogarty  
Lieutenant Governor  
Chairman, Long-Term-Care Coordinating Council

# **LONG-TERM-CARE-COORDINATING COUNCIL**

## **BACKGROUND OF THE LONG-TERM-CARE-COORDINATING COUNCIL**

The RI Long-Term-Care-Coordinating Council was established in 1987 by legislation proposed by former Lt. Gov. Richard A. Licht (Rhode Island General Law 23-17.3). By law, the council's purpose is "to develop and coordinate state policy concerning all forms of long-term health care for the elderly and adults with chronic disabilities and illnesses, ranging from at-home and community based care and respite care through intensive nursing care to long-term hospital care." The Council carries out its charge by bringing together leaders from the private and public sectors to coordinate and set the state's long-term care agenda. The thirty-seven-member council includes elected officials, consumers, state agency directors, advocates, and providers of long-term care.

## **CHAIRPERSONS OF THE COUNCIL**

1987-1988: Lieutenant Governor Richard A. Licht

1989-1992: State Representative Neil A. Corkery (of Warwick)

1993-1996: Lieutenant Governor Robert A. Weygand

1996-present: Lieutenant Governor Charles J. Fogarty

## **LONG-TERM-CARE-COORDINATING COUNCIL (Memberships as of December 31, 2002\*)**

Neil Corkery, Co-Vice Chairman  
Anna Tucker, Co-Vice Chairwoman  
E. Naomi Craig, Secretary

Senator June Gibbs, Co-Chair Legislation Committee  
Senator Elizabeth Roberts  
Representative Peter Ginaitt, Co-Chair Legislation Committee  
Representative Bruce Long  
Sec. Of State Ed Inman  
Maria Barros  
Mary Benway  
Dr. Herbert Constantine  
Robert DiCenso  
Kayla Doherty  
Elizabeth Earls  
Carlo Gamba  
Ann Gardella

Jane Hayward  
Roberta Hawkins  
Robert Henry  
Beverly McGuire  
Kathleen McNamee  
Elizabeth Morancy  
A. Kathryn Power  
Anna Prior  
Patrick Quinn  
Barbara Rayner  
Angelo Rotella  
Raymond Rusin  
Richard Ryan  
Alfred Santos  
Bonnie Sekeres  
Sheila Cabral Sousa  
Susan Sweet  
Bruce Todesco  
Dr. Robert Westlake

\* Council members serve until re-appointed or until a new member is appointed

## **Section 1.**

### **Recommendations for 2003**

**These recommendations are based on action steps detailed in the Long-Term-Care Coordinating Council's Work Plan for 2003 approved on January, 8, 2003. Implementing these recommendations will require the cooperation and collaboration of all the public and private participants involved in the work of the Council**

- Revise Principles of Reimbursement for Nursing Homes
- Secure additional state budget funds to increase assisted living waiver slots for low-income persons by 180 units as approved by federal government
- Study funding methods for assisted living support services, adult day services and other home-and community-based support services to ensure that reimbursement methods promote flexibility and consumer choice in selecting appropriate long-term-care and services
- Continue to promote adequate funding for supportive services such as transportation and supportive housing services that allow persons to remain in home and community environments
- Continue to examine the role of and promote long-term-care insurance in financing long-term care
- Continue to advocate for federal reform to increase Medicare and Medicaid funding for long-term-care services and to mitigate effects of Balanced Budget Act of 1997 on health care
- Obtain additional financial assistance for seniors and disabled persons to afford Rx drugs
- Develop plan for a long-term-care information system, including resource needs, which will serve as an interdepartmental data warehouse for state long-term-care programs
- Continue effort to implement a computerized long-term-care information resource guide with public, consumer-friendly web access
- Develop enhanced long-term care educational component with culturally appropriate features to ensure access to long-term care information
- Conduct study of projected system demand and capacity for serving "baby boomers" using 2000 Census data, national models and disability projections

- Implement system-wide long-term care entry system as mandated by state law (42-66-4(b))
- Implement RI PACE (Program of All-Inclusion Care for the Elderly) program as a model to demonstrate an integrated care model
- Study unmet mental health needs of community-living persons using long-term care services especially those in assisted living using the state enhanced SSI program and develop a plan to meet those needs
- Strengthen HEALTHs capacity to monitor and oversee assisted living by addition of at least one FTE professional nurse assigned to assisted living oversight
- Promote capacity of long-term-care ombudsman program to promote quality and protect consumer rights
- Continue to implement 1998 Health Care Quality Measurement and Reporting Law as it relates to long-term-care facilities and services by developing standardized nursing home resident satisfaction survey and home care quality reporting program
- Identify opportunities to participate in demonstrations on workforce reorganization projects that increase long-term-care worker job satisfaction and job performance
- Continue to monitor workforce capacity issues, including professional nurse shortage, on long-term care industry and support efforts to increase supply of RNs as appropriate
- Identify a research-based disability prevention project that could be implemented through a statewide collaborative of health/aging service providers and design a plan to create or participate in such a collaborative

## Section 2.

### **2002 LONG-TERM-CARE-COORDINATING COUNCIL REPORT**

The Long-Term-Care-Coordinating Council works in four major arenas to accomplish its mission: (1) the development and support of legislation; (2) advocacy; (3) public information and education; and (4) planning, research and policy development. During 2002 the full Council held eight (8) meetings on the following dates.

January 9	May 8
February 13	June 11
March 13	October 9
April 11	December 11

Copies of all Council meeting minutes are maintained in the office of the Lieutenant Governor. Recommendations for action in 2003 are contained in Section 1. A summary of the Council's 2002 activities in each of the four major areas of its work follows. Also, an end-of-year status report on the council's 2002 Work Plan is found in Section 3.

#### ***I. LEGISLATION.***

The following is a list of bills, with notes on final status, introduced in the 2002 legislature recommended, supported or monitored by the Long-Term-Care-Coordinating Council. The full text of all bills can be found at the Council's homepage on the Lt. Governor's website at [www.ltgov.state.ri.us](http://www.ltgov.state.ri.us) or the RI General Assembly website at [www.rilin.state.ri.us/gen\\_assembly](http://www.rilin.state.ri.us/gen_assembly).

#### **S2676, JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENACT A NATIONWIDE CRIMINAL BACKGROUND CHECK AND REGISTRY FOR LONG-TERM CARE WORKERS**

Introduced: February 7, 2002

Sponsored by: Senators Gibbs, Roberts, Tassoni, P Fogarty, and Connors

Final Status: Passed. Resolution #190

#### **H7296, JOINT RESOLUTION MEMORIALIZING CONGRESS TO ENACT A NATIONWIDE CRIMINAL BACKGROUND CHECK AND REGISTRY FOR LONG-TERM CARE WORKERS**

Introduced: February 5, 2002

Sponsored by: Representatives Ginaitt, Anguilla, D Cicilline, and W Murphy

Final Status: Passed. Resolution # 276



**S2596, AN ACT RELATING TO HEALTH AND SAFETY-- HOME CARE CHANGE OF ADDRESS EXEMPTION FROM LICENSING FEE**

Introduced: February 6, 2002

Sponsored by: Senators Connors, Gibbs, Roberts, Tassoni

Final Status: Passed. Public Law 2002 - Chapter 398

**S2611, AN ACT RELATING TO THE DEPARTMENT OF HEALTH – FOOD ESTABLISHMENTS--FOOD PREPARATION IN ASSISTED LIVING RESIDENCE**

Introduced: February 6, 2002

Sponsored by: Senators Gibbs, Roberts, and Tassoni

Final Status: Failed to Pass

**H7734, AN ACT RELATING TO THE DEPARTMENT OF HEALTH – FOOD ESTABLISHMENTS—FOOD PREPARATION IN ASSISTED LIVING RESIDENCE**

Introduced: February 26, 2002

Sponsored by: Representatives Ginaitt, Reilly, and Sherlock

Final Status: Failed to Pass

**S2598, AN ACT RELATING TO HEALTH AND SAFETY-- HOME CARE BRANCH OFFICE**

Introduced: February 6, 2002

Sponsored by: Senators P Fogarty, Roberts, Gibbs, and Tassoni

Final Status: Passed. Public Law 2002 - Chapter 399

**H7526, AN ACT RELATING TO HEALTH AND SAFETY-- HOME CARE BRANCH OFFICE**

Introduced: February 5, 2002

Sponsored by: Representatives Ginaitt, Anguilla, and Long

Final Status: Failed to Pass

**S2674, AN ACT RELATING TO HOME AND COMMUNITY SERVICE TO THE ELDERLY—HOME CARE ADVISORY BOARD CHANGES- DEA REQUEST**

Introduced: February 7, 2002

Sponsored by: Senators Gibbs, and Blais

Final Status: Failed to Pass

**S2671, SENATE RESOLUTION MEMORIALIZING CONGRESS TO ADDRESS THE INEQUITIES IN MEDICARE REIMBURSEMENTS FOR MENTAL HEALTH SERVICES—MEDICARE MENTAL HEALTH PARITY**

Introduced: February 7, 2002

Sponsored by: Senators Roberts, Gibbs, J Cicilline, and Perry

Final Status: Passed. Resolution #92

**H7735, HOUSE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO ADDRESS THE INEQUITIES IN MEDICARE REIMBURSEMENTS FOR MENTAL HEALTH SERVICES--MEDICARE MENTAL HEALTH PARITY**

Introduced: February 26, 2002

Sponsored by: Representatives Ginaitt, Reilly, Hetherington, Ajello and Sherlock

Final Status: Passed. Resolution #163

**S2728, AN ACT REALATING TO STATE AFFAIRS AND GOVERNMENT – PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT—RIPAE- ADDITIONAL REBATE**

Introduced: February 7, 2002

Sponsored by: Senators Gallo, Roberts, Tassoni, P Fogarty, and Goodwin

Final Status: Held for Further Study

**S2419, AN ACT RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT—RIPAE "OPEN FORMULARY DISCOUNT PROGRAM**

Introduced: January 30, 2002

Sponsored by: Senators Izzo, P Fogarty, Roberts, Alves, and Connors

Final Status: Incorporated as Budget Article 37 in Public Law 2002 - Chapter 65

**S3075, AN ACT RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT (RIPAE Discount and RIPAE Disabled)**

Introduced: May 31, 2002

Sponsored by: Senators Izzo

Final Status:

Incorporated as Budget Article 37 in Public Law 2002 - Chapter 65

**H7290, AN ACT RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT—RIPAE "OPEN FORMULARY DISCOUNT PROGRAM**

Introduced: February 5, 2002

Sponsored by: Representatives Costantino, Ginaitt, Fox, Moura, and Dennigan

Final Status: Incorporated as Budget Article 37 in Public Law 2002 - Chapter 65

**S2737, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT—PHARMEUTICAL ASSISTANCE TO THE ELDERLY ACT—RIPAE DISCOUNT FOR DISABLED**

Introduced: February 7, 2002

Sponsored by: Senators J Cicilline, Roberts, Tassoni, P Fogarty, and Gallo

Final Status: Incorporated as Budget Article 37 in Public Law 2002 - Chapter 65

**H7524, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT—PHARMEUTICAL ASSISTANCE TO THE ELDERLY ACT—RIPAE DISCOUNT FOR DISABLED**

Introduced: February 5, 2002

Sponsored by: Representatives Ginaitt, Long, Anguilla, Lewiss, and Trillo

Final Status: Incorporated as Budget Article 37 in Public Law 2002 - Chapter 65

**S2397, AN ACT RELATING TO MEDICAL ASSISTANCE – RATES OF PAYMENT TO NURSING FACILITIES—(ARTICLE 13 REVISIONS)**

Introduced: January 30, 2002

Sponsored by: Senators Alves, DaPonte, Paiva-Weed, and Donelan

Final Status: Passed. Public Law 2002 - Chapter 419

**S2677, AN ACT RELATING TO ASSISTED LIVING**

Introduced: February 7, 2002

Sponsored by: Senators Roberts, Gibbs, J Cicilline, and Perry

Final Status: Passed as a Sub A. Public Law Chapter 2002 - Chapter 158

**H7216, AN ACT RELATING TO ASSISTED LIVING**

Introduced: February 5, 2002

Sponsored by: Representatives Ginaitt, Anguilla, D Cicilline, and Long

Final Status: Passed as Sub A(amended). Public Law Chapter 2002 - Chapter 157

**S2729, AN ACT RELATING TO HUMAN SERVICES—PHARMACY ASSISTANCE MEDICAID WAIVER**

Introduced: February 7, 2002

Sponsored by: Senators Izzo, Tassoni, P Fogarty, Gallo, and Goodwin

Final Status: Incorporated as Budget Article 24 in Public Law 2002 - Chapter 65

**S3074, AN ACT RELATING TO HUMAN SERVICES—PHARMACY ASSISTANCE**

**Introduced: May 31, 2002**

Sponsored by: Senators Izzo

Final Status: Incorporated as Budget Article 24 in Public Law 2002 - Chapter 65

**H7291, AN ACT RELATING TO HUMAN SERVICES—PHARMACY ASSISTANCE MEDICAID WAIVER**

Introduced: February 5, 2002

Sponsored by: Representatives Costantino, Ginaitt, Fox, Moura, & Dennigan

Final Status: Incorporated as Budget Article 24 in Public Law 2002 - Chapter 65

The following bills were not formally reviewed by the Council, but were monitored by the Council due to their impact on the long-term care system.

**H7525, AN ACT PROVIDING FOR LONG-TERM CARE INSURANCE TAX CREDIT**

Introduced: February 5, 2002

Sponsored by: Representatives Ginaitt, George, Anguilla, Lewis and W.H. Murphy

Final Status: Failed to Pass

**S2418, JOINT RESOLUTION MEMORIALIZING CONGRESS TO APPROVE FOR PASSAGE THE "NURSING EMPLOYMENT AND EDUCATION DEVELOPMENT ACT" (NEED ACT)**

Introduced: January 30, 2002

Sponsored by: Senators Polisen, Graziano, P. Fogarty, Connors and Goodwin

Final Status: Passed. Resolution #189

**H7140, JOINT RESOLUTION MEMORIALIZING CONGRESS TO APPROVE FOR  
PASSAGE THE NURSING EMPLOYMENT AND EDUCATION DEVELOPMENT ACT  
(NEED ACT)**

Introduced: January 31, 2002

Sponsored by: Representatives Dennigan, Ginaitt, Sherlock, Menard, Costantino

Final Status: Passed. Resolution #272

**H7261A, AN ACT RELATING TO HEALTH AND SAFETY -- Licensing of Health Care  
Facilities**

Introduced: February 5, 2002

Sponsored by: Representatives Thomas Winfield

Final Status: Passed. Public Law 2002 - Chapter 236

**S2979, SENATE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN  
SERVICES AND ELDERLY AFFAIRS TO IMPLEMENT ADDITIONAL APPROVED  
ASSISTED LIVING WAIVER SERVICES**

Introduced: May 2, 2002

Sponsored by: Senators Roberts and Gibbs

Final Status: Passed. Resolution #261

**H8167, HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HUMAN  
SERVICES AND ELDERLY AFFAIRS TO IMPLEMENT ADDITIONAL APPROVED  
ASSISTED LIVING WAIVER SERVICES**

Introduced: May 2, 2002

Sponsored by: Representative Ginaitt

Final Status: Passed. Resolution #311

**H8205, ENTITLED, JOINT RESOLUTION TO REFORM AND FINANCE LONG-TERM  
CARE SERVICES THROUGH A CONSUMER-CENTERED SYSTEM COORDINATED  
SERVICES AND INTEGRATED CARE**

Introduced: May 29, 2002 - House read and passed

Sponsored by: Representative Costantino

Final Status: Passed. Resolution #333

**H8205, ENTITLED, JOINT RESOLUTION TO REFORM AND FINANCE LONG-TERM  
CARE SERVICES THROUGH A CONSUMER-CENTERED SYSTEM COORDINATED  
SERVICES AND INTEGRATED CARE**

Introduced: May 30, 2002 - Senate read and passed

Sponsored by: Senator Alves

Final Status: Passed. Resolution #339

**S2647, REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO STUDY THE STATE PRESCRIPTION DRUG DISPENSING PROCEDURES AND DISPOSAL REQUIREMENTS**

Introduced By: Senators Izzo, Irons, Gallo, Blais, and Perry

Date Introduced: February 06, 2002

Final Status: Passed. Resolution #136

**H7299, AN ACT RELATING TO HEALTH AND SAFETY -- DURABLE POWER OF ATTORNEY FOR HEALTH CARE (Attorney General)**

Introduced by: Representatives Ginaitt, Dennigan, George

Introduced on: February 5, 2002

Final Status: Passed as amended. Public Law 2002-Chapter 334

**S2364, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- INTRACTABLE PAIN TREATMENT**

Introduced by: Senators Graziano, McDonald, Polisena, Igliozzi, Tassoni

Date Introduced: January 30, 2002

Final Status: Passed as Sub B. Public Law 2002-Chapter 46

**H7307, AN ACT RELATING TO HEALTH AND SAFETY -- PAIN ASSESSMENT ACT (Attorney General)**

Introduced by: Representatives Ginaitt, Dennigan, George

Date Introduced: February 5, 2002

Final Status: Passed as amended. Public Law 2002-Chapter 331

## ***II. ADVOCACY***

**State Budget for FY 2003.** The Council's Work Plan for 2003 contained funding items relating to affordable assisted living and additional staff at HEALTH for assisted living regulatory enforcement. On behalf of the Chairman, the Executive Director testified in support of these funding recommendations before both House and Senate Finance Committees as they considered the FY2003 budget proposal.

### **Advocating for Persons with Disabilities**

To provide an opportunity for the public to identify the concerns and needs of people with disabilities, in July the Council joined with many other advocacy and/or provider agencies in co-sponsoring a series of five public hearings organized by the Governor's Commission on Disabilities. The data collected from these hearings help advocates to set an advocacy agenda and to inform policy makers about the unmet needs of persons with disabilities.

**Medicare Roundtable.** On October 23, 2002, the LTCCC held a special MEDICARE ROUNDTABLE at the Pilgrim Senior Center in Warwick. The purpose of the Roundtable was to provide a forum for Council members and other interested parties to share their concerns on a variety of Medicare and Medicare-related issues with members of the RI Congressional delegation. Attending the forum were US Senator Jack Reed and Congressman Jim Langevin. Participating in the discussion were: Linda Knutton, Coordinator of the Kent County SHIP program; Al Santos, Executive Vice President of RIHCA; Paula Parker, Executive Director Partnership for Home Care; Elizabeth Earls, President and CEO of RI Council of Community Mental Health Centers; Patrick Quinn, organizer, District 1199; Edward Quinlan, President, HARI; Kelly Lee, Executive Director, Westerly Adult Day Services; Dr. Dede Ordin, QI Quality Partners; Roberta Hawkins, Executive Director, Alliance for Better Long-Term Care

### **III. PUBLIC INFORMATION AND EDUCATION**

**Web Site.** The Council continued to maintain its home page accessed through Lt. Gov. Fogarty's web site found at: [www.ltgov.state.ri.us](http://www.ltgov.state.ri.us).

**Newsletter.** In July, the Council published an edition of its newsletter, ***Rhode Island Long-Term-Care Briefs***, reporting on legislative actions and program activity dealing with long-term care and other related matters. The newsletter is distributed to about 2500 individuals and/or agencies.

#### **Public Presentations**

In an effort to keep the public informed of issues relating to long-term care and the work of the Council, the Chairman and Executive Director participated in a number of public events including:

RIAFSA Annual Conference – Executive Director served as panelist on assisted living (3/7/02)

RIALA 3<sup>rd</sup> Annual Conference – Executive Director served as panelist on assisted living (3/15/02)

Greenwich Bay Manor – RI Senior Health & Fitness Fair  
Chairman Fogarty and Executive Director serve as keynote speakers (5/18/02)

2002 DEA Conference on Aging – Executive Director serves as panelist on long-term care insurance (5/9/02)

Advisory Commission on Women – Executive Director presented on long-term care (6/17/02)

Commission on Care and Safety of Elderly - Executive Director presented on assisted living (7/11/02)

US Senate HELP Committee Field Hearing on Healthcare Workforce Chaired by Sen. Jack Reed – Chairman Fogarty testified on workforce issues (7/15/02)

Central Retired Teachers' Association – Executive Director presented on assisted living issues (11/13/02)

#### ***IV. PLANNING, RESEARCH AND POLICY DEVELOPMENT***

**2002 Work Plan.** In January, the Council approved its Work Plan for 2002. See Section 3 for an end-of-year status report on the 2002 work plan.

**Work Group on Assisted Living.** The Work Group continued to meet in 2002 to complete its intensive review of the definition of assisted living and to look at issues relating to admission and discharge, staff requirements and the need for specialized assisted living. The result of the Work Group's deliberations were embodied in legislation which was enacted that made significant changes to the state's assisted living licensing law. A summary of these revisions is listed below.

- Allows residents needing temporary skilled services for short-term conditions to remain in assisted living for up to 21 days or if they are receiving hospice care.
- Authorizes the department to establish requirements for staff qualifications and training for all levels of licensure and makes the administrator responsible to ensure staff is sufficient to carry out resident service plans.
- Requires residences to develop and implement quality-assurance programs.
- Requires criminal background checks for administrators, owners or operators and all staff members who have contact with residents or their funds or belongings.
- Strengthens requirements for doing the initial written RN assessment of resident needs, service planning and periodic re-evaluation of resident needs.
- Requires standards to be set for activities and recreational programs.
- Requires standards for resident contracts including notification timeframes for increases in fees and payments.
- Strengthens disclosure requirements to include criteria for occupancy and termination of resident agreements, service availability and financial terms.
- Adds a penalty for continued violation of licensing requirements set at a minimum of \$300 to a maximum of \$2,000.
- Creates an Assisted Living Administrator Certification Board.

**Long-Term-Care Budget.** In January, the Council published the 5th edition of **Rhode Island Long-Term-Care Spending: Where Do the \$\$\$\$ Go?** This report provides data on state long-term care expenditures across four departments of state government. The report also includes data on service and program utilization collated on a cross-departmental basis. The purpose of the budget report is to provide policy makers with information in both the spending and service categories needed to make sound decisions. The report can be viewed on the LTCCC webpage at [www.ltgov.state.ri.us](http://www.ltgov.state.ri.us).

**Quality Measurement and Reporting.** In 2001, HEALTH established a Nursing Home Measures Committee to assist in developing measures to implement the "Health Care Quality Program" that requires HEALTH to implement a quality performance measurement and reporting program for all licensed health care facilities. The Council's Executive Director and several Council members serve on this Committee. In December, 2001, the Centers for Medicare and Medicaid Services announced that RI was among six states selected for inclusion in a demonstration project to report on nursing home quality. Rather than develop a separate set of quality measures for the state, the Committee recommended using the national measures for purposes of quality reporting in RI. However, the Committee also recommended and implemented a distinct web-based nursing home quality reporting program for the state using a three-diamond rating system. The results of the six-state demonstration were announced in April 2002. Following this, the program became national and the first nationwide report was released in November 2002. Rhode Island results are posted on the HEALTH website at [www.health.ri.us](http://www.health.ri.us). The LTCCC contains a link to this site.

**Executive/Legislative Long-Term-Care Reform Work Group.** Article 17 of the FY2002 State Budget directed the formation of a Study Group to address structural issues associated with the state's long-term care system and to address reimbursement reform through the principles of reimbursement and other provider reimbursement systems. Chairman Fogarty was invited to be a member of this study group and has participated in its deliberations, including providing information about the LTCC Council's agenda and ongoing Work Plan. The Work Group's deliberations led to introduction and passage of H8205 and S2647, Joint Resolutions to Reform and Finance Long-Term Care Services Through a Consumer-Centered System Coordinated Services and Integrated Care. The resolutions called for submission of a Strategic Plan of Action for Long-Term Care System Reform to be submitted to the Governor and the General Assembly for review and approval, or entity designated for such purposes, by no later than March 1, 2003.

**PACE Coordinating Team.** The Executive Director serves as a member of this team formed as a result of a grant to the state from the National PACE Association. The purpose of the grant is to explore the potential for having a PACE (Program of All-Inclusive Care for the Elderly) program in RI. The PACE program model is a risk-based capitated one blending Medicare and Medicaid funding streams that coordinates and provides all needed preventive, primary, acute and long-term care to older persons. Development of a PACE or PACE-type program has been a recommendation of the LTCCC.



**Attorney General's Task Force to Improve End-of-Life Care.** The Executive Director has served as a member of this group which has worked to pass legislation to include pain management as a patient right, to revise the state's advanced directive requirements and to improve palliative care.

### **Section 3.**

The Council adopted an official Work Plan for 2002 at its January 2002 meeting. A status report on this Work Plan follows.

### **LTCCC WORK PLAN 2002 – End-of-Year Status Report**

In 2002, the LTCCC will work in the following areas to continue to make progress in achieving these goals. It will coordinate its work with that of the Executive/Legislative Long-Term-Care Reform Work Group.

#### **Area 1. Information – Referral – Assistance**

- **Action 1.1.** Enhance public education and access to long-term care information by creation of a computerized long-term-care information base with public, consumer-friendly web access  
**End-of-Year Status:** Received \$275,000 from the Real Choices Infrastructure grant to develop a Benefit Screener and \$85,000 to develop an I & R data tracking system. Held the first interagency workgroup meeting and are in the process of developing the requirement analysis in order to write a RFP.
- **Action 1.2.** Support continued development of community-based long-term care entry system by developing a credentialing process for agencies providing enhanced Information & Referral/Assistance based on the CARRE CENTER I standards and criteria approved in 2001. Standards should address access issues related to geography and response times  
**End-of-Year Status:** Began a review of the CARRRE Center I standards with the Elder Information Specialists. Will develop application process and protocols for applying for certification by the end of 2003.

#### **Area 2. Mental Health Intervention Services**

- **Action 2.1.** Obtain data on unmet mental health needs of community-living persons using long-term care services especially those in assisted living using the state enhanced SSI program and develop a plan to meet those needs  
**End of-Year Status –** Study proposal submitted to legislature for funding but has not approved; alternative funding sources being explored.

### **Area 3. Long-Term Care Financing**

- **Action 3.1.** Prepare LTC Budget Report for FY2001  
**End-of-Year Status** – Report completed and issued in January, 2002
- **Action 3.2.** Support additional state budget funding to increase assisted living waiver slots by 180 units  
**End-of-Year Status** – House and Senate Resolutions passed requesting DHS to fund additional units. No funding provided by DHS. Chairman Fogarty and RI Housing staff requested additional units be added to Caseload Estimating Conference; however, they have not been included
- **Action 3.3.** Study Medicaid options that will lead to more flexibility and consumer choice in selecting appropriate long-term-care and services  
**End-of-Year Status** – Article #24 of budget calls for authorization of Medicaid waiver for enhancement of adult day and home care and DHS and DEA exploring potential for new waiver opportunities
- **Action 3.4.** Study feasibility of using an acuity-based reimbursement method for long-term-care/services  
**End-of-Year Status** – Consultant (BDO Seidman) has presented options for changing Principles of Reimbursement that include acuity adjustment
- **Action 3.5.** Continue to promote development of “housing with services” model/s to allow persons to remain in home and community environments using RI Housing Resources Commission needs assessment report (due in February 2002) as foundation for planning  
**End-of-Year Status** – Draft report issued in February; awaiting final report
- **Action 3.6.** Continue to examine the role of long-term-care insurance in financing long-term care through LTCCC Work Group on LTC Insurance  
**End-of-Year Status** – Legislation for LTC tax credit introduced; failed to pass
- **Action 3.7.** Continue to advocate for federal reform to increase Medicare funding for long-term-care services and to mitigate effects of Balanced Budget Act of 1997  
**End-of-Year Status** – Legislative Resolutions submitted and passed to memorialize Congress to address these issues. Federal action monitored. Medicare Roundtable held in October with RI Congressional delegation and invited providers to discuss impact on consumers and providers.

- **Action 3.8.** Advocate to maintain and expand, as appropriate, the state Pharmaceutical Assistance Program for the Elderly by supporting efforts to increase rebates and other cost-saving measures

**End-of-Year Status** – Legislation submitted and incorporated into FY2003 budget. Article 24 of Budget authorizes Rx Medicaid Waiver, Article 37 expands RIPAE to add discounts for non-formulary drugs for SSDI ages 55-64 and RIPAE eligibles

#### **Area 4. Service Delivery and Care Coordination**

- **Action 4.1.** Support efforts to create new models of LTC care coordination using best practices and using community-based agencies for care coordination and management

**End-of-Year Status** – DHS PACE grant awarded from National PACE Association, PACE (Program of All Inclusive Care for the Elderly) Coordinating Team created to develop PACE model for RI

- **Action 4.2.** Strengthen Community-based Case Management Network by adopting credential process using DEA Case Management Standards and to include standards developed and approved in 2001 for CARRE Center IIs

**End-of-Year Status:** New DEA Case management standards effective 12/17/02. Anticipate protocols and application process for certification to be complete by end of January 2003.

- **Action 4.3.** Departments of Elderly Affairs and Human Services to adopt use of uniform community long-term care assessment format and case management and placement protocols

**End-of-Year Status:** DEA using same assessment tool for all home care, adult day and assisted living assessments; DHS using uniform tool for CONNECT CARRE and for enhanced home care services

- **Action 4.4.** Continue efforts of Assisted Living Work Group to recommend licensing/regulatory changes to clarify appropriate role of assisted living in long-term care service system and increased capacity of HEALTH to monitor and inspect this industry sector

**End-of-Year Status** – 1) Legislation to revise licensing standards introduced and passed, 2) LTCCC advocated for increased funding for at least (1) FTE (not successful), 3) HEALTH developed draft revisions to Assisted Living licensing standards and held Community Review on proposed revisions in December.

## **Area 5. Long-Term-Care Information System**

- **Action 5.1.** Support planning for and development of a long-term-care information system which will serve as an interdepartmental data warehouse for state long-term-care programs

**End-of-Year Status:** Approximately \$1.1 million needed over three years. Pending approval of the Advanced Planning Document from CMS to move the implementation dates, resulting from the lack of resources. Also, develop a RFP with input from other state agencies.

## **Area 6. Quality Improvement and Reporting**

- **Action 6.1.** DOH to begin to implement 1998 Health Care Quality Measurement and Reporting Law as it relates to long-term-care facilities and services through CMS demonstration project on quality reporting for nursing facilities

**End-of-Year Status** – RI included as one of six states in pilot demonstration by CMS on nursing home quality reporting. Several members of LTCCC serve on Nursing Home Measures Committee for HEALTH Steering Committee which provides guidance on state Health Quality Reporting law. First report for pilot issued in April covering (9) domains of clinical care; second report extended to all states and issued in November.

- **Action 6.2.** DOH to begin to plan for implementation of the Health Care Quality Measurement and Reporting Law as it relates to home nursing care and home care providers

**End-of-Year Status** – National pilot including RI report to be released

- **Action 6.3.** Strengthen HEALTHs capacity to monitor and oversee assisted living  
**End-of-Year Status** – LTCCC advocated for additional staff (1 Nurse FTE) in FY2003 Budget (no funds provided)

- **Action 6.4.** Promote capacity of long-term-care ombudsman program to promote Quality and protect consumer rights

**End-of-Year Status** – Preliminary discussion with Congressman Kennedy's staff to secure added federal funds

## **Area 7. Workforce Issues**

- **Action 7.1.** Continue to monitor status of Article 13 of FY2002 budget for its impact on CNA recruitment and retention

**End-of-Year Status** – DHS 6-month audit shows 99.4% of funds spent as intended. LTCCC nursing home provider representatives report anecdotal evidence that situation has improved for CNAs but recruitment and retention issues for professional nurses has become more difficult

- **Action 7.2.** Explore opportunities to fund demonstrations on workforce reorganization projects that increase long-term-care worker job satisfaction and job performance  
**End-of-Year Status:** LTCCC will serve as stakeholder group for grant application from CARE NE VNA to Robert Wood Johnson for a demonstration program on long-term care workforce development. Another collaborative consisting of CARELINK, NE Gerontology Academy and Brown University is applying for applied research component of this grant project.
- **Action 7.3.** Examine impact of registered nurse shortage on long-term care industry and support efforts to increase supply of RNs as appropriate  
**End-of-Year Status –** 1) DHS funding study through URI to look at health workforce Needs  
2) LTCCC supported federal and state legislation to increase funding for nurse scholarships and grants; Chairman Fogarty requested RI Higher Education Authority to provide nursing scholarships from funding from fees for College Bound program

## **Area 8. Chronic Disease and Disability Prevention**

- **Action 8.1.** Identify a research-based disability preventive activity, such as fall prevention, that could be implemented through a statewide collaborative of health/aging service providers and design a plan to create the collaborative  
**End-of-Year Status –** A project has not been identified. However, Chairman Fogarty is participating in work of RI Quality Institute that is working on quality issues including support of evidence-based medicine which promotes disease management practices

**Appendix I**  
***Long Term Care Coordinating Council***  
Highlights of Accomplishments

1987 - 2001

**1987**

- ◆ *P.L. 87-117 creates Long Term Care Coordinating Council*

**1988**

- ◆ *Standards established for Long Term Care Insurance*
- ◆ *Case Management system created Nursing Home Receivership Law*

**1989**

- ◆ *SSI special benefit for residents of Sheltered Care*
- ◆ *Bed priority protection for nursing home residents admitted to hospitals*

**1990**

- ◆ *Stronger standards for Sheltered Care Facilities*
- ◆ *Consumer protections added to Long Term Care Insurance law*
- ◆ *Facilitated formation of Rhode Island Association for Senior Housing Managers (RIASH)*

**1991**

- ◆ *Criminal background checks for employees of Long Term Care Providers*
- ◆ *Exploitation added to abuse in Health Care Facilities Act*
- ◆ *Family Caregiver Training Program*

**1992**

- ◆ *Broadened Residential Care/Assisted Living services*
- ◆ *Instigated new nursing home bed need study by Health Department*

**1993**

- ◆ *Completed draft of comprehensive State Long Term Care Plan*
- ◆ *Successfully advocated to prevent closing of wards at Eleanor Slater Hospital*
- ◆ *Alzheimer's Special Care Unit Disclosure Law*

**1994**

- ◆ *Published Long Term Care 1995-2000*
- ◆ *Task Force on Medications in Nursing Facilities*
- ◆ *Mandated Continuing Education for Administrators of Nursing and Residential Care/Assisted Living Facilities*

## **1995**

- ◆ *Milbank Memorial Fund Collaboration Project Begins*
- ◆ *State Long Term Care Ombudsman Statute*
- ◆ *Task Force on Licensing of Home Care Providers*

## **1996**

- ◆ *New Umbrella Law for Licensing Home Care Providers*
- ◆ *Advocated protection of federal Nursing Home Standards*

## **1997**

- ◆ *Promoted \$1.7 million increase in state budget for Long Term Care*
- ◆ *Provider/Physician Disclosure laws*
- ◆ *Facilitated "Choices Coalition" Long Term Care Planning Law*

## **1998**

- ◆ *Secured \$50,000 to develop home care ombudsman program*
- ◆ *Enacted home care "bill of rights" law*
- ◆ *Obtained \$300,000 to fund mental health services for at-risk older adults*
- ◆ *Increased payments for SSI enhanced residential care/assisted living services*
- ◆ *Requirement for certification of residential care/assisted living administrators*
- ◆ *Creation of family caregiver resource network and \$150,000 new funds for caregiver support and respite*
- ◆ *Added drugs for Alzheimer's Disease to RIPAE*
- ◆ *Set new goals and values for state long term care*
- ◆ *Designated DEA as central agency to coordinate community-based long-term care entry system*
- ◆ *Increased funds for home care and meals on wheels*

## **1999**

- ◆ *Increased payment rates for Home Care Providers*
- ◆ *Increase Medicaid eligibility to 89% FPL*
- ◆ *Increased Personal Needs Allowance for Nursing Home residents by \$10/month*
- ◆ *Added drugs to treat depression to RIPAE*
- ◆ *Required HEALTH be notified of pending labor action and approve facility response plan*
- ◆ *Required ten percent of nursing home surveys be done in non-standard hours and bi-monthly inspection of facilities with sub-standard care*
- ◆ *Strengthened rights of assisted living residents*
- ◆ *Required HEALTH to submit annual report on long-term care regulatory activities*
- ◆ *Secured additional funds for the following:*
  - \$200,000 for home modifications for persons with disabilities*
  - \$85,000 additional funds for ombudsman program*
  - \$48,400 for Meals on Wheels*
  - \$24,750 for respite care*

## **2000**

- ◆ *Raised Medicaid income eligibility for the elderly and persons with disabilities to 100% of the federal poverty level*
- ◆ *Created the RIPAE PLUS component of RIPAE to offer state co-payments for RIPAE eligible drugs to elders up to \$34,999 (single) and \$40,000 (married)*
- ◆ *Added anti-infectives and drugs to treat arthritis to RIPAE*
- ◆ *Secured \$85,000 to expand the elder care information specialists network*
- ◆ *Secured \$85,000 to initiate a new Volunteer Guardian Program*
- ◆ *Supported creation of DEA Center on Diversity*
- ◆ *Strengthened assisted living license law and changed name from “residential care and assisted living” facility to “assisted living” Residence*

## **2001**

- ◆ *Released "Crisis in Care: A Report of the CNA Study Group" a report prepared by a Council Work Group that included a ten-step set of recommendations to address the direct care staff crisis*
- ◆ *Advocated for a long-term-care direct care staff compensation pass-through which resulted in \$10 million in funding in the FY2002 budget targeted specifically for this purpose*
- ◆ *Supported legislation to expand the RI Pharmaceutical Assistance Program (RIPAE) to include drugs to treat osteoporosis and to add a catastrophic benefit under which RIPAE pays for 100% of covered drugs once an enrollee spends \$1,500 out of pocket on RIPAE covered drugs (passed)*
- ◆ *Supported legislation to seek approval for adding 180 persons to the state Assisted Living Medicaid Waiver program (passed)*
- ◆ *Published "A Guide to Long-Term Care Insurance"*
- ◆ *Presented "Future Directions for Long-Term Care: A Public Policy Conference", a half day forum featuring noted long-term care experts*



## **Appendix II**

In October of 1994, the Long Term Care Coordinating Council issued **A Long Term Care Plan for Rhode Island 1995-2000: *Working Together to Make the Pieces Fit***. The Plan's principles and goals are list below.

### ***Principles***

1. To recognize that the need for long term care will continue to grow, and continue to be a major budget concern for the state.
2. To expand efforts that support the many Rhode Island families who shoulder the burden of providing care for a loved one.
3. To shape services to fit the consumers and their situations.
4. To redesign the way that long-term care services are paid for, in such a way that promotes prevention, early screening, and care in the most appropriate and least costly ways.
5. To adopt a uniform set of questions to be used by a network of qualified and objective 'screeners/case managers" who will work with families to determine their needs and the best possible options for care.
6. To continually improve the quality of care provided, taking into account consumer satisfaction, and seeking high standards for state oversight.
7. And, in every way, to attempt to help people in need by clearing away unnecessary hurdles to receiving care in the most appropriate and timely fashion.

### ***Goals***

1. Life with maximal independence and dignity for all older Rhode Islanders who have limitations as a result of chronic conditions and for younger adults who have similar limitations and who utilize the same service system and supports.
2. A flexible, responsive and affordable state long term care service network.
3. A high quality long term care service system that can demonstrate cost effective results.